

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Volha Shauchenka	Team: Squad #3	CCRB Case #: 201508967	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 10/12/2015 11:50 PM	Location of Incident: West 79th Street and Riverside Drive	Precinct: 20	18 Mo. SOL 4/12/2017	EO SOL 4/12/2017	
Date/Time CV Reported Tue, 10/13/2015 12:08 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 10/20/2015 11:14 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Christophe Rivera	00904	947402	HWY 01

Officer(s)	Allegation	Investigator Recommendation
A.POM Christophe Rivera	Abuse: PO Christophe Rivera threatened § 87(2)(b) with the use of force.	
B.POM Christophe Rivera	Discourtesy: PO Christopher Rivera spoke discourteously to § 87(2)(b)	
C.POM Christophe Rivera	Abuse: PO Christopher Rivera interfered with § 87(2)(b) s use of a recording device.	
D.POM Christophe Rivera	Abuse: PO Christopher Rivera threatened to arrest § 87(2)(b)	
E.POM Christophe Rivera	Abuse: PO Christopher River threatened to take § 87(2)(b) to the hospital.	
F.POM Christophe Rivera	Off. Language: PO Christopher Rivera made remarks to § 87(2)(b) based upon his perceived sexual orientation.	

Case Summary

§ 87(2)(b) filed the following complaint with IAB via telephone on October 12, 2015 generating log number 15-30742. The complaint was received at the CCRB on October 20, 2015.

On October 12, 2015, at approximately 11:50 p.m., § 87(2)(b) was driving northbound on the West Side Highway in Manhattan where he was pulled over by PO Christopher Rivera of HWY 01. After PO Rivera's service lights were turned on, § 87(2)(b) turned his right signal light and merged into the right lane immediately. After driving for approximately 30 seconds, § 87(2)(b) took the West 79th Street exit in an attempt to find a safe place to pull over. § 87(2)(b) stopped the vehicle at the crosswalk at West 79th Street and Riverside Drive after PO Rivera directed § 87(2)(b) to stop at that location over the loudspeaker. PO Rivera approached § 87(2)(b)'s vehicle, requested § 87(2)(b) to produce his driver license and asked why § 87(2)(b) did not stop his vehicle immediately. § 87(2)(b) and PO Rivera argued about where § 87(2)(b) should have stopped his vehicle. PO Rivera alleged that § 87(2)(b) started to flex his muscles and get nervous [BR 05]. Thus, PO Rivera told § 87(2)(b) "I know you're getting stressed, buddy. Let's keep going, brother. So, you just step out, we'll go, ok?" (**Allegation A**) [NYPD 10]. PO Rivera also told § 87(2)(b) to "chill the fuck out" (**Allegation B**) [NYPD 10]. After that, § 87(2)(b) took his cell phone and began recording the conversation between him and PO Rivera [BR 02]. PO Rivera instructed § 87(2)(b) to step out of his vehicle and took § 87(2)(b)'s cell phone out of his hands (**Allegation C**) [BR 08] [NYPD 10]. PO Rivera pressed some buttons on § 87(2)(b)'s cell phone and tossed it into § 87(2)(b)'s vehicle [NYPD 10] [BR 02] [BR 08].

After stepping out of the vehicle, § 87(2)(b) was instructed to stand in front of PO Rivera's vehicle so that he could be visible on PO Rivera's dashboard camera. While PO Rivera was speaking to § 87(2)(b), § 87(2)(b) attempted to flag down passing vehicles. In response to § 87(2)(b)'s attempt to draw the attention of other motorists, PO Rivera said, "I'm tired of this shit," and placed one handcuff on § 87(2)(b)'s hand (**Allegations A and D**) [NYPD 10]. After § 87(2)(b) calmed down, PO Rivera removed the handcuff. § 87(2)(b) kept saying to PO Rivera that he was "scared" of the officer, to which PO Rivera allegedly said, "What are you, a pussy? Should I take you to the hospital?" (**Allegations E and F**) [BR 02]. § 87(2)(b) stated that by referring to him as a "pussy", PO Rivera was referring to § 87(2)(b)'s sexual orientation, since he is gay. After that, PO Rivera instructed § 87(2)(b) to return to his vehicle and went inside his RMP to check § 87(2)(b)'s driver license and issue § 87(2)(b) a summons. § 87(2)(b) was issued a summons for an unsafe lane change, and the interaction ended [NYPD 03].

The case was reassigned to the undersigned investigator from Investigator Dwight Bernard on December 30, 2015. PO Rivera was unable to attend three scheduled interviews, thus the case has exceeded its 90-day benchmark.

Video Evidence



201508967_20160126_1316_DM.mp4

[BR 07]



201508967_20160126_1316A_DM.mp4

[BR 08]



201508967_20160126_1317_DM.mp4

[BR 09]



201508967_20160126_1338_DM.mp4

[NYPD 10]

§ 87(2)(b)'s cell phone video part 1 of 3 [BR 07]
 § 87(2)(b)'s cell phone video part 2 of 3 [BR 08]
 § 87(2)(b)'s cell phone video part 3 of 3 [BR 09]
 PO Rivera's dashboard camera video [NYPD 10]

Cell phone video provided by § 87(2)(b) consists of three interrupted parts, while PO Rivera's dashboard camera captured the whole incident in its entirety. All dialogues captured by § 87(2)(b)'s cell phone video can be heard in PO Rivera's dashboard camera video. The audio in PO Rivera's dashboard camera recording is not in perfect sync with the video.

Mediation, Civil and Criminal Histories

- Mediation was offered to and rejected by § 87(2)(b)
- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of December 3, 2015 with regard to the incident [BR 10].

§ 87(2)(b) [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
 § 87(2)(b) [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
 § 87(2)(b) [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b)
- PO Christopher Rivera has been a member of the service for seven years and has eight complaints filed against him. PO Rivera has four prior discourtesy allegations that were unsubstantiated.

Findings and Recommendations

Allegations not pleaded

- § 87(2)(g)
 § 87(2)(g)
 § 87(2)(g)
- **Abuse of Authority:** Although § 87(2)(b) alleged in his phone statement that PO Rivera caused damage to his cell phone, a damaged property allegation is not being pleaded since it was not mentioned by § 87(2)(b) during the in-person interview.

Allegation A –Abuse of Authority: PO Christopher Rivera threatened § 87(2)(b) with the use of force.

Allegation B - Discourtesy: PO Christopher Rivera spoke discourteously to § 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on October 29, 2016 [BR 02]. § 87(2)(b) explained that after he noticed PO Rivera's service lights, he merged into the right lane and took

the first exit to safely pull over, since there were no shoulders on the part of the West Side Highway § 87(2)(b) was driving on. After § 87(2)(b) took the exit, he heard PO Rivera's voice directing § 87(2)(b) to stop where he was, and § 87(2)(b) stopped at the crosswalk. After he stopped the vehicle, § 87(2)(b) turned on the lights and rolled down the windows to demonstrate to PO Rivera he was safe to approach. After PO Rivera approached § 87(2)(b)'s vehicle, PO Rivera asked § 87(2)(b) why he did not pull over where he was initially instructed to. § 87(2)(b) explained there was music playing in his car and he did not hear PO Rivera's instructions. § 87(2)(b) also explained he did not stop on the highway since there were no shoulders and he was looking for a safe place to pull over. § 87(2)(b) apologized, and PO Rivera told § 87(2)(b) he was not looking for an apology. PO Rivera told § 87(2)(b) he could not control the music in the complainant's car and instructed § 87(2)(b) to stop flexing, breathing heavily, and twitching. § 87(2)(b) inquired what PO Rivera meant, and PO Rivera replied that he was ready for § 87(2)(b). § 87(2)(b) felt that the word choice was odd and that PO Rivera was trying to provoke him into a fight. During his interview at the CCRB, § 87(2)(b) admitted he was afraid of PO Rivera, but he was not flexing his muscles during the conversation. § 87(2)(b)'s account of the beginning of the incident was consistent throughout all his prior statements, namely, IAB and CCRB phone statements [BR 01] [BR 04].

In his testimony to the CCRB, PO Rivera explained to the investigator that as soon as § 87(2)(b) did not comply with his command to stop, he gathered § 87(2)(b) was not in a normal state of mind [BR 05]. In addition, § 87(2)(b) was agitated and combative by puffing his chest, flaring his nostrils and flexing his muscles as someone engaged in a heated conversation. Due to that fact, PO Rivera indicated to § 87(2)(b) that if § 87(2)(b) continued his behavior, he would be arrested for initiating a fight and an unsafe lane change. PO Rivera admitted using profanity towards § 87(2)(b). However, PO Rivera explained to the investigator that profanity was used for the same reason as a suggestion to step out of the car, namely, § 87(2)(b) being irrational and explaining to PO Rivera why § 87(2)(b) did not want to stop initially.

It is clear from PO Rivera's dashboard camera that at 27 seconds, PO Rivera's service lights are activated [NYPD 10]. At 31 seconds, § 87(2)(b) turns the right signal light and merges into the right lane. There are no shoulders on the highway. At 33 seconds, § 87(2)(b) takes the West 79th Street exit. At 53 seconds, § 87(2)(b) pulls over on a crosswalk. At 1:19 minutes, PO Rivera approaches § 87(2)(b)'s window and says, "New York City Highway Patrol. Can I see your driver's license?" § 87(2)(b) says, "My license? It's in the back. Can I grab it?" PO Rivera says, "Sure." At 1:34 minutes, PO Rivera says, "The reason I don't want you stopping here is because you [incomprehensible] stopping when I told you to stop." § 87(2)(b) says something incomprehensible. At 1:38 minutes, PO Rivera says, "Who is working and dictating the car stop right now? You or myself?" § 87(2)(b) says, "I was trying to get out ... [incomprehensible]." PO Rivera says, "Who is working right now? You or myself?" § 87(2)(b) says, "You, but I didn't hear you." PO Rivera says, "So, why don't you think you should listen to where I'm telling you to stop?" § 87(2)(b) replies, "I didn't hear you." PO Rivera says, "You didn't hear, so we're just [incomprehensible] until you wanted to stop." § 87(2)(b) says something incomprehensible. PO Rivera says, "Right. Which I was telling you was back there. Not in a crosswalk. Not in an intersection. Okay? Why couldn't you hear me?" At 2:06 minutes, § 87(2)(b) says, "Because I was playing music." PO Rivera says, "Oh, because you were playing your music. Not because of anything I was doing. So you were endangering yourself by having your music up. I can't control your music from inside my car. Okay. You can. I can't. You can. I can't. You understand that, right? You can. I can't."

At 2:23 minutes in the dashboard recording, § 87(2)(b) says, "I'm very sorry." PO Rivera says, "No. I'm not asking for your apology. I want you to understand what I'm saying. Listen to what you just said to me. You read your manual and it said to stop in a safe place." At 2:33

minutes, PO Rivera continues, "I know you're getting stressed, buddy." § 87(2)(b) says, "I'm not stressed." PO Rivera continues, "Let's keep going, brother. So, you just step out, we'll go. Okay?" At 2:37 minutes, § 87(2)(b) says, "I'm not looking for a fight [incomprehensible]." At 2:38 minutes, PO Rivera says, "So chill the fuck out. Got it? I don't care, you can call whoever you want." Additionally, at 4:36 minutes, after § 87(2)(b) asked a passing car to call the police, PO Rivera says, "Turn around, turn around right now. I'm tired of your shit."

After reviewing the video during his interview at the CCRB, PO Rivera's explanation of his actions at the recording corroborated his earlier statement that § 87(2)(b) was getting agitated, thus PO Rivera told him, "So, you just step out, we'll go" as meaning § 87(2)(b) would go "straight to cuffs [BR 05]." PO Rivera characterized the phrase as meaning that if § 87(2)(b) was not cooperative, he would arrest him. PO Rivera's explanation of his use of discourtesy was the same as mentioned in the beginning of the interview prior to his review of the video.

According to Patrol Guide Procedure 203-11, an officer may use only the minimal amount of force necessary to overcome resistance [BR 11]. An officer is required to be courteous in his interactions with the public. Patrol Guide Procedure 203-09 [BR 11]. Officers may use profanity in highly stressful situations or in order to get compliance from a violent individual. However, officers may not use profanity towards individuals in situations that are calm and under control, PD v Howard (DCT June 2003) [BR 16].

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[REDACTED]

Allegation C – Abuse of Authority: PO Christopher Rivera interfered with § 87(2)(b)'s use of a recording device.

§ 87(2)(b) stated that after PO Rivera used profanity towards § 87(2)(b) he reached towards his center console and picked up his cell phone to record the interaction [BR 02]. § 87(2)(b) did not point the phone at PO Rivera, but merely pressed a record button. When § 87(2)(b) picked up his cell phone and pressed the record button, PO Rivera directed § 87(2)(b) to step out of the vehicle. As § 87(2)(b) stepped out of his vehicle, PO Rivera asked § 87(2)(b) for his phone and then took it out of § 87(2)(b)'s hands. § 87(2)(b) was instructed to step towards the back of the vehicle while PO Rivera remained at the left front door of the vehicle pressing buttons on the screen. After that, PO Rivera tossed the cell phone on the passenger seat of the vehicle.

PO Rivera did not recall seeing or holding § 87(2)(b)'s cell phone during the incident [BR 05]. PO Rivera did not recall whether § 87(2)(b) was attempting to record the interaction either.

It is clear from PO Rivera's the dashboard camera recording that at 3:10 minutes, § 87(2)(b)'s vehicle door opens and PO Rivera makes a step forward extending his hands towards § 87(2)(b) [NYPD 10]. At 3:17 minutes, § 87(2)(b) steps out of the vehicle, and PO Rivera is seen holding a black object in his right hand and pointing towards the back of the vehicle. At the same time, documents are seen in PO Rivera's left hand. At 3:22 minutes, a sound characteristic of a cell phone beeping is heard and PO Rivera stands by the left front door of § 87(2)(b)'s vehicle doing a motion with the fingers of his right hand that appear as pressing buttons on a cell phone. At 3:25 minutes, PO Rivera stands closer to the vehicle's door doing some motions with his hands, and then approaches § 87(2)(b). A dark object that PO Rivera was previously holding is no longer in PO Rivera's right hand while the documents are still in his left hand.

Upon reviewing the recording of PO Rivera's dashboard camera, PO Rivera explained to the investigator, that at 3:19 minutes he was holding his microphone in his right hand [BR 05]. In the left hand, PO Rivera was holding either § 87(2)(b)'s driver license, registration or the microphone. PO Rivera stated that at 3:25 minutes, he was examining § 87(2)(b)'s registration and put it on his vehicle seat.

According to the cell phone video Part 1 of 3 provided by § 87(2)(b) at 0:01 seconds, PO Rivera says, "Out. Back here. Ridiculous [BR 07]." PO Rivera's voice is heard in a close proximity to § 87(2)(b)'s cell phone. At 0:04 seconds, the door of § 87(2)(b)'s vehicle is seen being closed by PO Rivera and a part of his left hand is seen blocking § 87(2)(b)'s cell phone screen [BR 07]. Video Part 2 of 2 starts with the sound of phone being tossed on a surface [BR 08]. § 87(2)(b) says, "Please, call for back up" from the distance away from the phone [BR 08]. § 87(2)(b) explained that the reason the recording was interrupted was either because § 87(2)(b) stopped it by accident when exiting the vehicle or PO Rivera may have started the second recording by himself, since § 87(2)(b)'s phone was not functioning properly [BR 03].

The general public is allowed to record police actions. Finest Message #9881632 [BR 14]. However, persons may not interfere with police actions with their recording. Additionally, if a person observing an arrest becomes an impediment to the officers' actions, that person may not be allowed to record or be present, according to Patrol Guide Procedure 208-03 [BR 15].

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Allegation D – Abuse of Authority: PO Christopher Rivera threatened to arrest § 87(2)(b)

After § 87(2)(b) stepped out of his vehicle, he moved towards its back standing in front of PO Rivera's dashboard camera [NYPD 10]. On his way to the back of the vehicle, a motorist passed by and § 87(2)(b) asked the driver to call 911. PO Rivera told § 87(2)(b) to stand in a certain place numerous times and asked what was wrong with § 87(2)(b) [BR 02]. § 87(2)(b) indicated that at that moment he was backing away from PO Rivera with his hands up and palms open at chest height. PO Rivera told § 87(2)(b) to stop twitching, flexing and breathing heavily again. A car was driving by, and § 87(2)(b) asked a second driver to call for help during the incident. At that point, PO Rivera instructed § 87(2)(b) to turn around and place his hands behind his back. § 87(2)(b) complied and felt a handcuff placed against his wrist. After that, PO Rivera started to explain to § 87(2)(b) why he was pulled over. § 87(2)(b) explained why he did not pull over, and PO Rivera put away the handcuffs eventually.

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PO Rivera stated he told § 87(2)(b) to stand in one place, and § 87(2)(b) kept moving around. In addition, § 87(2)(b) was "yelling" at other motorists and asking for help. These actions indicated to PO Rivera that § 87(2)(b) was not compliant and was not listening to him. § 87(2)(b) continued to breathe heavily and flex muscles, and PO Rivera had to repeatedly tell § 87(2)(b) to stop acting in that manner. This is why PO Rivera placed one handcuff on § 87(2)(b) Rivera's hand to ensure his own safety. After the handcuff was placed on § 87(2)(b)'s hand, § 87(2)(b) calmed down and PO Rivera removed the handcuff.

According to PO Rivera's dashboard camera recording, at 3:27 minutes, § 87(2)(b) starts walking towards the back of the car and says, "Please call for back up [NYPD 10]." At 3:29 minutes, PO Rivera shuts the driver's door and says, "Stand over here." § 87(2)(b) says, "Please call for back up. I need help here guys. Please." PO Rivera points towards the back of § 87(2)(b)'s car and says, "Stand over here. Stand over here." § 87(2)(b) addresses someone off camera, "Please. I need help," to someone off camera. PO Rivera points to the back of the car and says, "Stand over here." At 3:42 minutes, § 87(2)(b) makes gestures similar to calling someone over the phone to a passing car and walks towards the back of his car. At 3:44 minutes, PO Rivera says, "Stand over here. You're on camera, guy. Stand over here, walking towards § 87(2)(b) who is now not visible [in the right bottom frame]." § 87(2)(b) says, "I'm not resisting anything. I'm not yelling at you." PO Rivera steps back and § 87(2)(b) appears in the frame. PO Rivera says, "I'm telling you where to stand." § 87(2)(b) says, "You're attacking me." PO Rivera says, "I'm not attacking you." § 87(2)(b) says, "You're attacking me. I'm a big guy, but I'm not raising my voice to you and you are raising your voice to me." PO Rivera says, "I'm allowed to." § 87(2)(b) says, "Do not. Do not yell at me." At 4:10 minutes, PO Rivera says, "I'm allowed to. And I'm going to tell you right now, bring it down." § 87(2)(b) replies, "I am not up." PO Rivera says, "Bring it down." At 4:14 minutes, § 87(2)(b) says, "Fuck, man." PO Rivera says again, "Bring it down." At 4:17 minutes § 87(2)(b) says, "You pulled me over for what?" PO Rivera replies "Bring it down right now. Stop the heavy breathing. Stop the flexing. Stop the heavy breathing, stop the flexing, stop the twitching, ok? Because I am watching you and I have been watching you since I pulled you over. Ok, good," to someone off camera.

At 4:30 minutes into the dashboard recording, § 87(2)(b) can be heard yelling, "Can you, guys, please call the police? Help me!" PO Rivera says, "Turn around, turn around right now. I'm tired of your shit. Turn around, turn around." At 4:36 minutes, PO Rivera takes out the handcuffs. § 87(2)(b) slightly shifts back and forth. At 4:41 minutes, PO Rivera says, "What are you going to do to me? Knock it off, knock it off." § 87(2)(b) is standing behind PO Rivera and not visible. At 4:53 minutes, PO Rivera says, "I do not understand what your problem is. It all started when I told you where I wanted you to stop, and you told me, 'I didn't hear you' because your radio was up. That's not my issue." At 5:00 minutes, PO Rivera puts the handcuffs away.

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Allegation E – Abuse of Authority: PO Christopher Rivera threatened to take § 87(2)(b) to the hospital.

§ 87(2)(b) stated that during the incident, PO Rivera told him, “Should I take you to the hospital [BR 02]?”

During his statement to the CCRB, PO Rivera explained to the investigator that he told § 87(2)(b) he would take § 87(2)(b) to the hospital for being scared or as an emotionally disturbed person [BR 05].

According to PO Rivera’s dashboard camera, after PO Rivera removed the handcuff from § 87(2)(b)’s hand, § 87(2)(b) lowers his shoulders and steps aside from PO Rivera [NYPD 10]. At 5:25 minutes, § 87(2)(b) asks why he was pulled over. At 5:34 minutes, PO Rivera asks, “Ok, you want to start from the beginning?” § 87(2)(b) says, “What happened? What did I do?” At 5:39 minutes PO Rivera says, “Do you want to play nice? Do you want to start from the beginning?” § 87(2)(b) says, “I don’t know why you pulled me over. I’m not a fighter, man”. At 5:45 minutes, PO Rivera says, “Ok so chill out.” At 5:49 minutes, § 87(2)(b) says, “I want to get to my car. You’re scaring the shit out of me.” PO Rivera replies, “That’s wonderful.” § 87(2)(b) says, “I am not even moving. Not fucking cool.” At 5:54 minutes, PO Rivera says, “I’m sorry to hear that.” At 6:00 minutes, § 87(2)(b) says, “I don’t want you attacking me, man.” PO Rivera says, “I’m not attacking you.” § 87(2)(b) says, “I don’t know why you are screaming. Why did you pull me over? What did I do?” PO Rivera says ok and stretches his arms sideways.

At 6:47 minutes, PO Rivera says, “As you can see I’m not moving,” and stretches his arms sideways and turns towards the dashboard camera. PO Rivera continues, “I’m talking on the side of the road, because I like to keep it loud for my microphone, so my microphone can hear me, ok? That is why. I am constantly being loud, because I like it when everybody can hear me, ok?” At 7:09 minutes, § 87(2)(b) interrupts and says, “I’m scared, I’m fucking scared. Why are you yelling at me? Why did you pull me over?” At 7:13 minutes, PO1 says, “Well, maybe you want to go to the hospital. I can check you in or something. As a scared cat, I don’t know”. § 87(2)(b) continues to say something simultaneously and says, “No, I want to go home.”

Patrol Guide Procedure 216-05 states that an emotionally disturbed person is a person who is mentally ill and is behaving in such state of mind that his/her behavior may result in a serious injury to the person or others. An emotionally disturbed or mentally ill person must be taken into protective custody [BR 13].

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Allegation F – Offensive Language: PO Christopher Rivera made remarks to § 87(2)(b) based upon his perceived sexual orientation.

§ 87(2)(b) alleged that after PO Rivera put away the handcuffs, § 87(2)(b) was scared of PO Rivera and felt nervous and uncomfortable [BR 02]. § 87(2)(b) added he was, possibly, shaking and his voice became very low. § 87(2)(b) alleged that at that point, PO Rivera told § 87(2)(b) “What are you a pussy? Should I take you to the hospital for being a pussy?” § 87(2)(b) asked why he was being called names, and PO Rivera replied, “I’m not calling you names, I’m telling you should I bring you to the hospital for acting a certain way? What are you going to do about it?” § 87(2)(b) was not sure if he was called a “little pussy”, “little faggot” or “little girl,” but he knew the words used by PO Rivera referred to § 87(2)(b) as someone feminine. § 87(2)(b) noted these words hurt him because he is a gay man [BR 02]. § 87(2)(b) did not mention the current allegation in his CCRB phone statement [BR 01].

PO Rivera stated he did not refer to § 87(2)(b) as a “little pussy”, “little faggot” or “little girl” nor did he make any comments in regards to § 87(2)(b)’s sexual orientation [BR 05].

According to PO Rivera’s dashboard camera video, at 7:09 minutes, § 87(2)(b) says, “I’m scared, I’m fucking scared. Why are you yelling at me? Why did you pull over me over [NYPD 10]?” At 7:13 minutes, PO Rivera replies, “Well, maybe you need to go to the hospital. I can check you in or something. As a scared cat, I don’t know.” At 7:18 minutes, § 87(2)(b) asks why he is being called names, and PO Rivera replies, “What are you going to do about it? I didn’t call you any names. I said I can check you in as something.” At no point throughout the video is PO Rivera heard saying the words “little pussy”, “little faggot” or “little girl.”

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Squad: 3

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date